IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 15335 of 2004

Between:

Malempati Vasumathi, W/o. Seshagiri Rao,
Fair Price Shop Dealer, Chempadu Village, Vemuru Mandal,

Guntur District.

..... PETITIONER

AND

1 The District Collector (Civil Supplies) Guntur.
2 The Joint Collector, Tenali.
3 Revenue Divisional Officer Tenali.
4 Mandal Revenue Officer Vemuru Mandal,Tenali Taluk,
Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or order more especially one in the nature of writ of Certiorari call for records pertaining to issuing of suspension orders Vice Rc.No.249/2004-K dated 13.8.2004 issued by the Revenue Divisional Officer, Tenali and quash the same as illegal, arbitrary, capricious and Justice and consequentially suspend the operation orders in Rc.No.249/2004 -K dated 13.8.2004 issued by the Revenue Divisional Officer, Tenali.

Counsel for the Petitioner: MR.RAVI SHANKAR JANDHYALA

Counsel for the Respondents: GP FOR REVENUE

The Court at the admission stage made the following :

ORDER:

The petitioner is an authorized dealer in respect of a fair price shop of Chempadu village, Vemuru Mandal. Her authorization has been suspended by the 3rd respondent-Revenue Divisional Officer, Tenali, by proceedings dated 13-08-2004, on the ground of alleged irregularities committed by her in distribution of the rice meant for Food for Work Programme. The petitioner states that whereas the allegation of misappropriation was in respect of the work sanctioned sometime in the year 2002, the impugned order has been passed on an Inspection said to have been conducted in the month of February, 2004. The petitioner states that the allegations made in the impugned notice are all false and baseless and that the impugned order of suspension, dated 13-08-2004, without affording an opportunity to the petitioner to explain the allegations is arbitrary, illegal and unwarranted. Hence this writ petition.

Heard the learned counsel for both parties and perused the material on record.

Though, the learned counsel for the petitioner raised various grounds, contending that all the allegations made in the impugned order are false and baseless, and that the respondents are not justified in suspending the authorization in respect of the alleged misappropriation of the rice sanctioned in the year 2002, since admittedly, against the order impugned, an alternative remedy is available by way of an appeal before the Joint Collector, I am not inclined to express any opinion on the merits of the case.

Accordingly, I deem it appropriate to dispose of the writ petition granting leave and liberty to the petitioner to work out the alternative remedy as available under the statute. However, having regard to the facts and circumstances, the impugned order

dated 13-08-2004 shall not be given effect to for a period of four weeks from today.

Writ petition is accordingly disposed of. No costs.

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30-08-2004

vs

To

1 The District Collector (Civil Supplies) Guntur.
2 The Joint Collector, Tenali.
3 Revenue Divisional Officer Tenali.
4 Mandal Revenue Officer Vemuru Mandal,Tenali Taluk,
Guntur District.

5 Two CCs to the G.P for Revenue, High Court Buildings, Hyderabad(O.U.T)

6 Two CD copies.